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 NETAPP, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

NETWORK APPLIANCE, INC.,
 Plaintiff-Counterclaim Defendant,
 v.
 SUN MICROSYSTEMS, INC.,
 Defendant-Counterclaim Plaintiff.

Case No. C-07-06053 EDL

**JOINT REPORT REGARDING
 AGREED CONSTRUCTIONS
 FOR DISPUTED TERMS IN U.S.
 PATENT NO. 6,873,630**

Pursuant to the Court's request during the Markman hearing on August 27, 2008, the parties have met and conferred regarding the disputed terms in U.S. Patent No. 6,873,630 and provide the following agreed upon constructions:

A. "Portion [of a] Communication" (Claims 3, 5, 12-15, 21-24, 45, 48, 50, 52-53, 73, 76)

Term	Agreed Construction
"Portion [of a] Communication"	Part of a data stream, where the part includes "elements" of the data stream.

**B. “Element [of a] Communication”
 “Element [of a] Portion”
 “Elements”
 “Element of a Portion”
 (Claims 3, 5, 8, 13-15, 21-23, 45-48, 50, 52, 73, 76, 79, 89, 113, 114, 116, 117)**

Term	Agreed Construction
“Element [of a] Communication”	A constituent part of a “portion.”

Dated: August 29, 2008

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